

ENGROSSED HOUSE AMENDMENT

TO

ENGROSSED SENATE BILL NO. 737

BY: WRIGHT of the SENATE

and

JOHNSON (Rob) of the  
HOUSE

( MUNICIPALITIES AND COUNTIES - AMENDING 11 O.S.,  
SECTIONS 22-101, 28-106 AND 34-103 AND 19 O.S.,  
SECTIONS 1 AND 547 - POWERS OF MUNICIPALITIES  
AND COUNTIES -

EMERGENCY )

AUTHOR: Add the following House Coauthor: CAMPBELL

AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

AN ACT RELATING TO MUNICIPALITIES AND COUNTIES;

REQUIRING CERTAIN MUNICIPAL ELECTED OFFICIALS TO  
ATTEND THE GOVERNING OFFICIALS INSTITUTE; PROVIDING  
PROCEDURES RELATED TO THE INSTITUTE; REQUIRING  
CERTAIN NOTICE; AMENDING 11 O.S. 1991, SECTION 28-  
106, WHICH RELATES TO DUTIES OF MUNICIPAL CRIMINAL  
COURT CLERK; AUTHORIZING APPROPRIATE OFFICIAL TO  
COLLECT CERTAIN MONIES; AMENDING 11 O.S. 1991,  
SECTION 34-103, WHICH RELATES TO POLICE FUNCTIONS  
OUTSIDE EMPLOYING MUNICIPALITY; PERMITTING CERTAIN  
POLICE DEPARTMENT MEMBERS TO BE DEPUTIZED BY COUNTY  
SHERIFF; AMENDING 19 O.S. 1991, SECTION 547, WHICH  
RELATES TO COUNTY SHERIFFS; AUTHORIZING COUNTY  
SHERIFF TO DEPUTIZE MUNICIPAL POLICE OFFICERS

SUBJECT TO CERTAIN AGREEMENTS TO COMBINE CITY AND  
COUNTY LAW ENFORCEMENT EFFORTS; PROVIDING FOR  
CODIFICATION; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-114 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. Each person elected for the first time as a member of a municipal governing body on or after January 1, 1993, shall be required to attend the Governing Officials Institute within one (1) year after taking the oath of office. The Institute shall consist of twelve (12) hours of instruction. A certificate of completion shall be awarded to those persons who attend and successfully complete the workshop.

B. The curriculum for the Institute shall be developed by the Oklahoma Municipal League and shall include but not be limited to: parliamentary procedure; municipal budget process; Oklahoma Open Meeting Act; ethics; conflict of interest; and purchasing procedures.

C. A registration fee to defray the estimated costs of presenting the workshop may be charged.

D. The Institute shall be held in at least two locations in the state as determined by the Oklahoma Municipal League.

E. Each official designated to receive filings from candidates for municipal offices or in the case of officials nominated and elected for municipal offices at town meetings, the presiding officer of the town meeting shall notify the candidate of the requirement for attendance at the Institute as provided for in this section.

SECTION 2. AMENDATORY 11 O.S. 1991, Section 28-106, is amended to read as follows:

Section 28-106. The clerk of the municipal criminal court of record shall keep and preserve the records of all proceedings had in the court, shall keep a docket, and shall collect and receive all fines, costs, bond forfeitures and other monies properly receivable by him and shall account for the same to the city governing body. ~~He~~ The governing body may authorize the appropriate finance official of the city by ordinance to collect and receive all fines, costs, bond forfeitures and other monies properly received by the clerk. When the clerk collects and receives such monies, the clerk shall pay all such sums of money to the ~~city treasurer or commissioner of~~ appropriate finance official of the city as the ~~city~~ governing body may prescribe. It shall be the duty of the clerk to certify and authenticate all transcripts, cases and other records of the court and the certificate of the clerk shall be prima facie proof of the correctness of the copy of the document or record authenticated.

SECTION 3. AMENDATORY 11 O.S. 1991, Section 34-103, is amended to read as follows:

Section 34-103. A. Members of the regular police department of any municipality, upon request of the mayor or his designee, or chief of police or his designee, of any other municipality, may serve as police officers in the municipality requesting their assistance upon approval of the governing body of the municipality where such officers are regularly employed. While so serving in another municipality, such police officers shall have the same powers and duties as though employed by the municipality where such duties are performed; except that salaries, insurance and other benefits shall be provided in their regular manner by the municipality in which the police officers are regularly employed.

B. Members of the regular police department of any municipality, upon request of a county sheriff or his designee, or

upon request by a member of the Oklahoma Highway Patrol, may serve as law enforcement officers for the sheriff's office or the Oklahoma Highway Patrol, respectively, if such service has been authorized by prior resolution by the governing body of the municipality where such officers are regularly employed. While so serving, such police officers shall have the same powers and duties as though employed by the requesting law enforcement agency and when so acting they shall be deemed to be acting within the scope of employment of the requesting law enforcement agency; except that salaries, insurance and other benefits shall be provided in their regular manner by the municipality in which the police officers are regularly employed.

C. Members of the regular police department of any municipality may be deputized by the county sheriff or his designee subject to an interlocal governmental agreement to combine city and county law enforcement efforts and to encourage cooperation between city and county law enforcement officials. Liability for the conduct of any municipal police officers deputized under the terms and conditions of an interlocal governmental agreement shall remain the responsibility of their municipal employer.

SECTION 4. AMENDATORY 19 O.S. 1991, Section 547, is amended to read as follows:

Section 547. A. The sheriff shall be responsible for the official acts of his undersheriff and deputy sheriffs, and may revoke such appointments at his pleasure. The sheriff or the undersheriff may in writing depute certain persons to do particular acts.

B. Each sheriff may appoint as many reserve force deputy sheriffs as are necessary to preserve the peace and dignity of the county. A current list of each person holding such appointment shall be maintained by the county sheriff and shall be available to the public. Reserve force deputy sheriffs may perform duties which encompass a particular act or a series of acts. A sheriff or

salaried deputy sheriff shall accompany a reserve force deputy sheriff in the performance of all duties assigned to such reserve force deputy sheriff unless such reserve deputy has completed the required one-hundred-twenty-hour basic police course. Reserve force deputies may receive compensation for their services. Such reserve deputy sheriffs shall complete a one-hundred-twenty-hour basic police course within twelve (12) months after they have been commissioned to be paid by the county ~~or~~ as an individual reserve deputy.

C. The sheriff or his designee may deputize municipal police officers subject to an interlocal governmental agreement to combine city and county law enforcement efforts and to encourage cooperation between city and county law enforcement officials. Liability for the conduct of any municipal police officers deputized under the terms and conditions of an interlocal governmental agreement shall remain the responsibility of their municipal employer.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the House of Representatives the 21st day of April, 1992.

Speaker of the House of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1992.

President of the Senate